

Attorney Docket No. 00028.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	RABINOWITZ, <i>et al.</i>	EXAMINER:	HAGHIGHATIAN, MINA
SERIAL NO.:	10/749,537	ART UNIT:	1616
FILED:	DECEMBER 30, 2003	CONFIRMATION NO.:	8860
TITLE:	DELIVERY OF SEDATIVE-HYNOTICS THROUGH AN INHALATION ROUTE		

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

**TIME OF TRANSMITTAL**

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

09/27/2005 HGUTEMA1 00000004 10749537

02 FC:1806

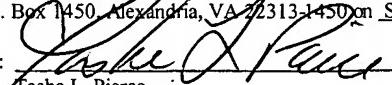
180.00 DP

---

37 CFR 1.8

CERTIFICATE OF MAILING

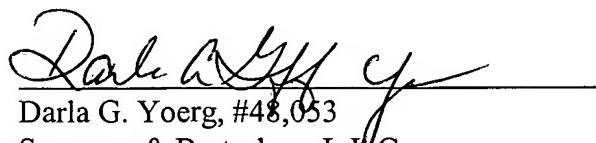
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2005.

Signature:   
Name: Natasha L. Pierce

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: September 22, 2005



Darla G. Yoerg, #48,053

Swanson & Bratschun, L.L.C.

1745 Shea Center Drive, Suite 330

Highlands Ranch, Colorado 80129

Telephone: (303) 268-0066

Faxsimile: (303) 268-0065

cc: W. Leschensky

S:\CLIENTFOLDERS\ALEXZA\28.08CON\00028.08CON\IDS FINAL.DOC

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 00028.08CON	SERIAL NO. 10/749,537
List of Information Cited by Applicant Page 3 of 3		APPLICANT Rabinowitz, et al.	
		FILING DATE December 30, 2003	GROUP 1616



U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	CA	5,345,951	09/13/1994	Serrano et al.			
	CB	5,366,770	11/22/1994	Wang			
	CC	5,456,247	10/10/1995	Shilling et al.			
	CD	5,511,726	04/30/1996	Greenspan et al.			
	CE	5,457,100	10/10/1995	Daniel			
	CE	5,543,434	08/06/1996	Weg			
	CG	5,564,442	10/15/1996	MacDonald et al.			
	CH	5,655,523	08/12/1997	Hodson et al.			
	CI	5,592,934	01/14/1997	Thwaites			
	CJ	5,605,146	02/25/1997	Sarela			
	CK	5,649,554	07/22/1997	Sprinkel et al.			
	CL	5,666,977	09/16/1997	Higgins et al.			
	CM	5,743,251	04/28/1998	Howell et al.			
	CN	5,819,756	10/13/1998	Mielordt			
	CO	5,840,246	11/24/1998	Hammons et al.			
	CP	5,855,913	01/05/1999	Hanes et al.			
	CQ	5,874,481	02/23/1999	Weers et al.			
	CR	5,894,841	04/20/1999	Voges			
	CS	5,918,595	07/06/1999	Olsson et al.			
	CT	6,048,857	04/11/2000	Ellinwood, Jr. et al.			
	CU	Re.36,744	06/20/2000	Goldberg			
	CV	6,090,212	07/18/2000	Mahawili			
	CW	6,131,570	10/17/2000	Schuster et al.			
	CX	6,136,295	10/24/2000	Edwards et al.			
	CY	6,140,323	10/31/2000	Ellinwood, Jr. et al.			
	CZ	6,155,268	12/05/2000	Takeuchi			
	CAA	6,158,431	12/12/2000	Poole			
	CBB	6,234,167	05/22/2001	Cox et al.			
	CCC	6,413,930	07/02/2002	Ratti et al.			
	CDD	6,632,047	10/14/2003	Vinegar et al.			
	CEE	6,701,922	03/09/2004	Hindle et al.			
	CFF	6,772,756	08/10/2004	Shayan			
	CGG	2002/0117175	08/29/2002	Kottayil et al.			
	CHH	2004/0016427	01/29/2004	Byron et al.			

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and <u>not</u> considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449  List of Information Cited by Applicant  Page 2 of 3	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 00028.08CON	SERIAL NO. 10/749,537
	APPLICANT	Rabinowitz, et al.	
	FILING DATE December 30, 2003	GROUP 1616	

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	BA	3,987,052	10/19/1976	Hester, Jr.			
	BB	3,219,533	11/23/1965	Mullins			
	BC	3,949,743	04/13/1976	Shanbrom			
	BD	3,982,095	09/21/1976	Robinson			
	BE	4,141,369	02/27/1979	Burruss			
	BE	4,229,447	10/21/1980	Porter			
	BG	4,303,083	12/01/1981	Burruss, Jr.			
	BH	4,474,191	10/02/1984	Steiner			
	BE	4,484,576	11/27/1984	Albarda			
	BJ	4,508,726	04/02/1985	Coleman			
	BK	4,566,451	01/28/1986	Badewien			
	BL	4,588,721	05/13/1986	Mahan			
	BM	4,708,151	11/24/1987	Shelar			
	BN	4,734,560	03/29/1988	Bowen			
	BO	4,735,217	04/05/1988	Gerth et al.			
	BE	4,819,665	04/11/1989	Roberts et al.			
	BQ	4,848,374	07/18/1989	Chard et al.			
	BR	4,853,517	08/01/1989	Bowen et al.			
	BS	4,863,720	09/05/1989	Burghart et al.			
	BT	4,906,417	03/06/1990	Gentry			
	BU	4,917,119	04/17/1990	Potter et al.			
	BY	4,924,883	05/15/1990	Perfetti et al.			
	BW	4,941,483	07/17/1990	Ridings et al.			
	BX	4,963,289	10/16/1990	Ortiz et al.			
	BY	5,017,575	05/21/1991	Golwyn			
	BZ	5,042,509	08/27/1991	Banerjee et al.			
	BAA	5,060,671	10/29/1991	Counts et al.			
	BBB	5,099,861	03/31/1992	Clearman et al.			
	BCC	5,135,009	08/04/1992	Muller et al.			
	BDD	5,144,962	09/08/1992	Counts et al.			
	BEE	5,146,915	09/15/1992	Montgomery			
	BFF	5,166,202	11/24/1992	Schweizer			
	BGG	5,224,498	07/06/1993	Deevi et al.			
	BHH	5,240,922	08/31/1993	O'Neill			

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 00028.08CON	SERIAL NO. 10/749,537
 List of Information Cited by Applicant Page 1 of 3 <b>SEP 26 2005</b>		APPLICANT Rabinowitz, et al.	
		FILING DATE December 30, 2003	GROUP 1616

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	AA	10/057,198	10/26/2001	Lloyd et al.			
	AB	10/146,088	05/13/2002	Hale et al.			
	AC	10/280,315	10/25/2002	Shen			
	AD	10/302,614	11/21/2002	Lu			
	AE	10/322,227	12/17/2002	Novack et al.			
	AF	10/442,385	05/20/2003	Cross et al.			
	AG	10/719,540	11/20/2003	Hale et al.			
	AH	10/850,895	05/20/2004	Damani et al.			
	AI	10/851,018	05/20/2004	Hale et al.			
	AJ	10/851,429	05/20/2004	Hale et al.			
	AK	10/851,432	05/20/2004	Hale et al.			
	AL	10/851,883	05/20/2004	Hale et al.			
	AM	10/861,554	06/03/2004	Cross et al.			
	AN	10/912,417	08/04/2004	Bennett et al.			
	AO	10/917,720	08/12/2004	Hale et al.			
	AP	10/917,735	08/12/2004	Hale et al.			

FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	AQ	GB 502 761	03/24/1939	Great Britain			
	AR	WO 94/09842	05/11/1994	WIPO			
	AS	WO 97/36574	10/09/1997	WIPO			
	AT	WO 03/37412	05/08/2003	WIPO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AU	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound"
	AV	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AW	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AX	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AY	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	